

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JAMES WEAVER, )  
 )  
Defendant. )

NO. CR10-5409BHS

ORDER

Noted: May 22, 2013

The Court having considered the Joint Motion of the Parties to reverse the order of the United States Magistrate Judge dismissing the information in this case, to reinstate the charge, and to remand for further proceedings,

NOW ORDERS that in light of *United States v. Perelman*, 695 F.3d 866 (9th Cir. 2012), *cert. denied* \_ U.S. \_\_, 2013 WL 1942584 (May 13, 2013), the order of the United States Magistrate Judge holding 18 U.S.C. § 704(a) to be unconstitutional should be reversed, and the Information charging James Weaver with a violation of this statute should be reinstated, and the case remanded to the United States Magistrate Judge for further proceedings.

Dated this 30<sup>th</sup> day of May, 2013.



BENJAMIN H. SETTLE  
United States District Judge

Presented by:

/s/ Helen J. Brunner  
HELEN J. BRUNNER  
Assistant United States Attorney

/s/ Jay Stansell  
JAY STANSELL  
Assistant Federal Public Defender  
Counsel for James Weaver